



GRADING INJUSTICE

# Initial Appearance Report Cards 2022

## FROM THE DIRECTOR

Arrested people across the United States often wait in jail for days, weeks, or even months before seeing a judge or meeting an attorney. In November 2021, the Deason Criminal Justice Reform Center published *Ending Injustice: Solving the Initial Appearance Crisis*, a comprehensive report about this ongoing crisis in pre-trial due process. That report described the devastating consequences of delayed and uncounseled initial appearances.

Now, our *Initial Appearance Report Cards* offer a closer look at the laws governing post-arrest procedures in each U.S. state, the District of Columbia, and three territories. While our previous report provided an overview of the initial appearance crisis nationwide, the *Initial Appearance Report Cards* are a rigorous assessment of the laws in almost every jurisdiction in the country. These report cards reveal enormous gaps in the legal protections accorded to people accused of crimes, illuminating both the scope of the initial appearance crisis and our urgent need to solve it.

To help policymakers and advocates make impactful reforms that keep people from being jailed unnecessarily, we have outlined best legal practices for initial appearance. Following these recommendations can align our criminal justice practices with our Constitution's promises.

We hope this information will educate communities about their jurisdictions' initial appearance policies and empower them to advocate for reform. Our experts are available to help communities and stakeholders solve the initial appearance crisis.

Sincerely,

**Pamela R. Metzger**  
Director, Deason Criminal Justice Reform Center  
SMU Dedman School of Law

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# Introduction

The United States Constitution guarantees every accused person a fair and speedy criminal process with the assistance of counsel. Yet, people across the country are arrested and held behind bars for days, weeks, and even months before they go to court or meet a lawyer. These injustices reflect an initial appearance crisis in our criminal legal system.



## What is an initial appearance?

An initial appearance is the first time an arrested person sees a judicial officer about their case. At an initial appearance, the judicial officer should inform a person of the charges against them and assess whether, and under what conditions, the person may be released from jail pending trial.<sup>1</sup>

Legal representation is vital at initial appearance. A lawyer can ensure that a person understands the proceedings. They can also present evidence and arguments in support of pretrial release. Studies show that having counsel at initial appearance significantly reduces a person's likelihood of being detained.<sup>2</sup>

A prompt initial court appearance, with the assistance of counsel, is essential to fulfilling the Constitution's promises because it:



**Prevents secret detentions and interrogations**



**Gives an arrested person important information and advice**

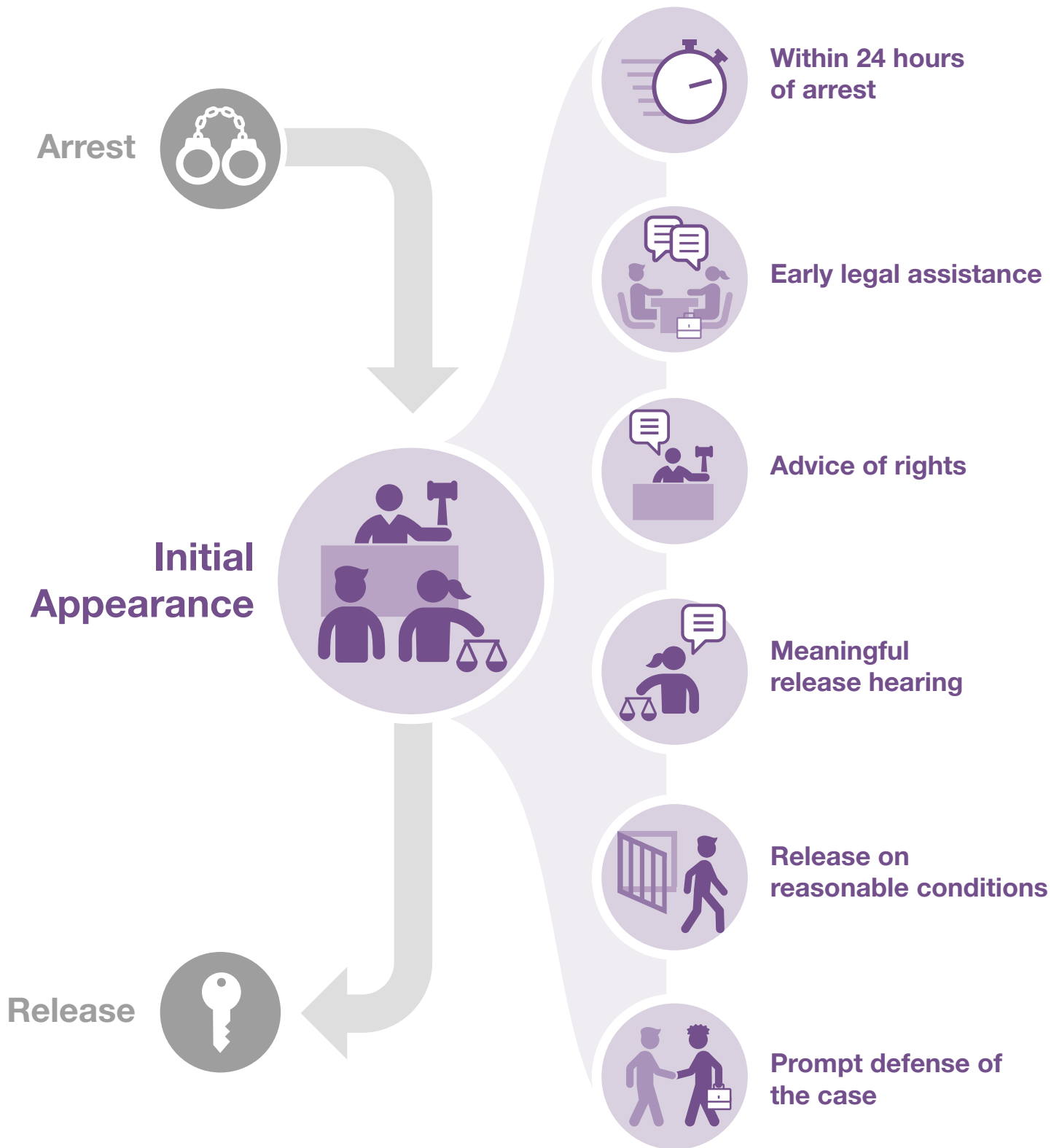


**Triggers the Sixth Amendment right to counsel**



**Facilitates a person's prompt release from jail**

# What Should Happen at an Initial Appearance?



## MICHAEL LOWE'S STORY

# Consequences of the Initial Appearance Crisis<sup>3</sup>

In July 2021, Michael Lowe was on vacation in New Mexico when police arrested him on a Texas warrant and booked him into a local jail.

After eight agonizing days, Mr. Lowe finally had his first court appearance. The judge told Mr. Lowe that Texas wanted to extradite him from New Mexico to a court in Fort Worth, Texas. The judge could not even explain the charges. Still, he encouraged Mr. Lowe to agree that he was the person wanted in Texas and to waive all factual and legal objections to his arrest. Without a lawyer to explain his options, Mr. Lowe followed the court's advice and gave up his right to contest extradition.

The judge returned Mr. Lowe to jail, where he waited another nine days behind bars. During his 17 days of detention, Mr. Lowe was strip-searched, slept on the floor of a cell, and witnessed violent assaults.

Once he was released, Mr. Lowe finally got a lawyer's help and some real answers: Texas police were accusing him of stealing from a duty-free shop at the Dallas-Fort Worth airport. When his lawyer quickly demonstrated that Mr. Lowe was innocent, police dropped all charges. But the psychological and financial damage was not so readily repaired.

Mr. Lowe's 17 days of wrongful detention inflicted lasting trauma. He suffers from anxiety, panic attacks, and insomnia. Several of his employees quit, and he lost thousands of dollars when

an important project was canceled. His business has never recovered.

This trauma could have been avoided if New Mexico had provided Mr. Lowe with a prompt initial appearance and the assistance of counsel.



# Evaluating Initial Appearance Laws

The *Initial Appearance Report Cards* summarize the legal requirements governing initial appearances in the 50 U.S. states, the District of Columbia, and three U.S. territories as of May 1, 2022. Then, the report cards compare each jurisdiction's laws against best legal practices drawn from the Deason Center's report *Ending Injustice: Solving the Initial Appearance Crisis*.<sup>4</sup>

## To honor the United States Constitution and to protect people who are arrested and detained:

- Initial appearance must be held within 24 hours of arrest.
- Arrested people must be provided with an attorney to represent them at initial appearance.
- The lawyer who will defend the case must be appointed within 72 hours of arrest to promptly begin investigation.
- If initial appearance is delayed, the arrested person must be automatically released from detention.
- If a person is detained after initial appearance, a hearing must automatically be held within 72 hours, with counsel, to review and reassess the conditions of release.



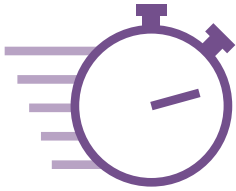
## Initial Appearance Terminology

Jurisdictions use different terms for the first post-arrest court appearance. Common terms include:

- **initial appearance**
- **first advisement**
- **arraignment**
- **presentment**
- **magistration**
- **first appearance**

## REPORT CARD CATEGORIES

The *Initial Appearance Report Cards* assess whether a jurisdiction’s laws comply with five best legal practices, asking if the jurisdiction guarantees:



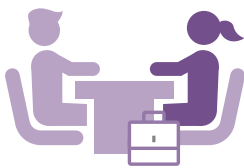
### Initial appearance within 24 hours?

Does a person who has been arrested and jailed have the right to an initial appearance within 24 hours of their arrest?



### Counsel at initial appearance?

Must the court provide an attorney to represent a person at the initial appearance if they do not appear with private counsel? This question asks *only* about representation at initial appearance, so the appointment of an “attorney of the day” or a duty lawyer complies with best practices.



### Defense counsel within 72 hours?

Within 72 hours of arrest, must an attorney be appointed to defend the case at all further stages of the prosecution? In other words, does the law specify either (1) that the initial appearance attorney will also be the defense attorney, or (2) that a defense attorney will be appointed within 72 hours of arrest?<sup>5</sup>



### Delay requires release?

Will an arrested person be automatically released from jail if the jurisdiction fails to provide a timely initial appearance?



### Prompt review if detained?

If a person is detained after initial appearance, is there an automatic hearing, held within 72 hours, at which a defense attorney can revisit the bail conditions?



#### Note

The *Initial Appearance Report Cards* assess legal requirements. They do not reflect local practices, which may vary significantly.



## REPORT CARD GRADING

### Scoring



If the jurisdiction has adopted the best legal practice, the response is **Yes (green)** and the jurisdiction receives **2 points**.







If the jurisdiction has adopted some, but not all, aspects of the best legal practice, the response is **Limited (yellow)** and the jurisdiction receives **1 point**.

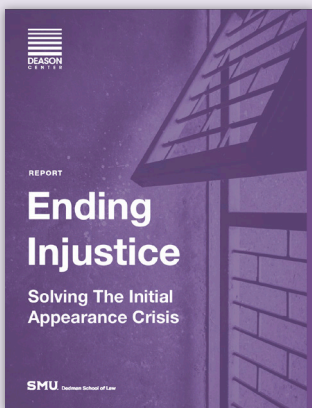


If the jurisdiction has not adopted the best legal practice, the response is **No (red)** and the jurisdiction receives **0 points**.

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### Legend

Grade					
Score	10 – 9	8 – 7	6 – 4	3 – 2	1 – 0




Learn more about the dangers of delayed and uncounseled initial appearances:

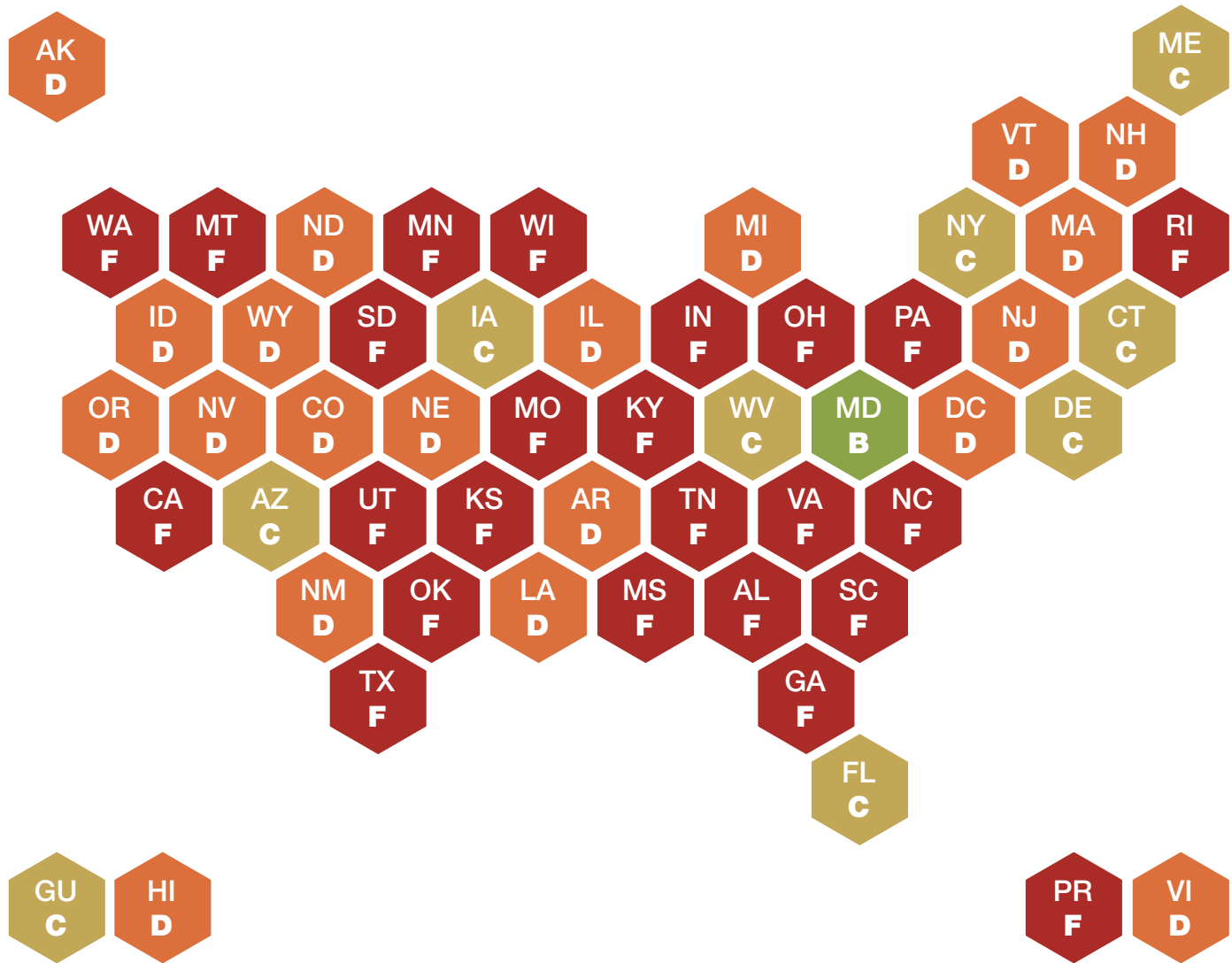
***Ending Injustice: Solving  
The Initial Appearance Crisis***

# SUMMARY OF RESULTS

Click a jurisdiction to see results for each report card category.

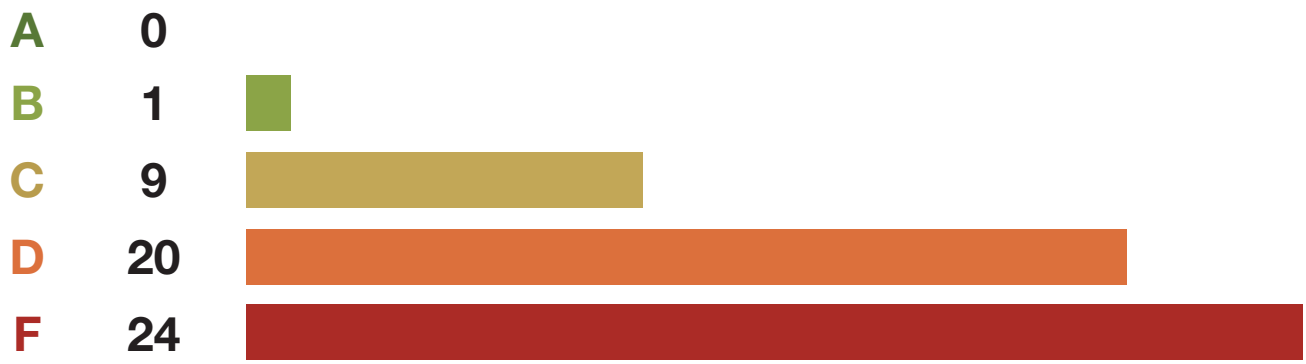


## Mapping Initial Appearance Grades

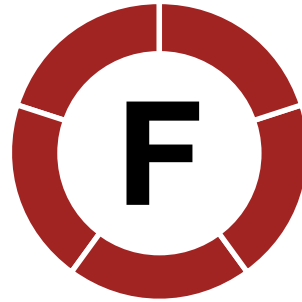


## Grade Distribution

Data from May 2022



## Alabama



0 Yes  
0 Limited  
5 No

Held within 24 hours?



No.

Initial appearance must occur within 48 hours for warrantless arrests and 72 hours for arrests with warrants. Ala. R. Crim. P. 4.3 (West 2021).

Counsel at initial appearance?



No.

Defense counsel within 72 hours?



No.

Delay requires release?



No.

Prompt review if detained?



No.



### Note

Jails must provide the court with a monthly list of all people detained pretrial. Judges must review the conditions of release for any person detained for more than 90 days. Ala. R. Crim. P. 7.4 (West 2021).



**0 Yes**  
**2 Limited**  
**3 No**

**Held within 24 hours?**



**Limited.**

Initial appearance must occur within 24 hours of arrest, absent compelling circumstances. Under compelling circumstances, the hearing may be extended to 48 hours. Alaska Stat. Ann. § 12.25.150 (West 2018). Alaska R. Crim. P. 5 (West 2018).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



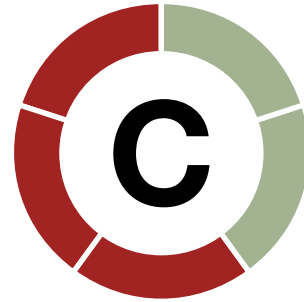
**Limited.**

A person who remains detained 48 hours after initial appearance may petition for bond review. Alaska Stat. Ann. § 12.30.006 (West 2019).

**! Note**

An officer can be charged with a misdemeanor offense for willfully refusing or neglecting to grant an arrested person a timely initial appearance. Alaska Stat. Ann. § 12.25.150 (West 2016).





**2 Yes**  
**0 Limited**  
**3 No**

**Held within 24 hours?**



**Yes.**

Ariz. R. Crim. P. 4.1 (West 2021).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**Yes.**

If the initial appearance does not occur within 24 hours after arrest, the arrested person must be immediately released from custody. Ariz. R. Crim. P. 4.1 (West 2019).

**Prompt review if detained?**

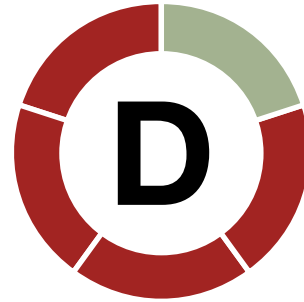


**No.**



## Note

While the law does not guarantee counsel at initial appearance, a person detained on a misdemeanor charge is entitled to counsel “at or following initial appearance” to determine conditions of release. Ariz. R. Crim. P. 6.1 (West 2022).



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Ark. R. Crim. P. 8.1 (West 2018). Compare *Duncan v. State*, 726 S.W. 2d 653 (Ark. 1987) (three-and-half day delay was unnecessary) with *Bryant v. State*, 862 S.W.2d 215 (Ark. 1993) (three-day delay over the weekend was not unnecessary).

**Counsel at initial appearance?**



**Yes.**

Ark. R. Crim. P. 8.2 (West 2018).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**

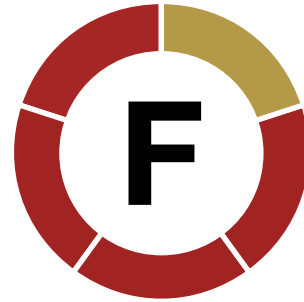


**No.**

**Prompt review if detained?**



**No.**



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest, excluding Sundays and holidays. Wednesday evening arrestees must have an initial appearance by Friday. Cal. Penal Code § 825 (West 2003). Friday arrestees must have an initial appearance by Monday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

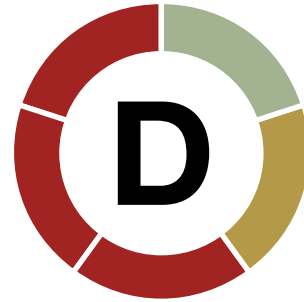
**Prompt review if detained?**



**Limited.**

Within five days of the original bail order, the court or magistrate must review the bail amount for any person who remains detained. Cal. Penal Code § 1270.2 (West 1986).

## Colorado



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Colo. R. Crim. P. 5 (West 2019). See *People v. Heintze*, 614 P.2d 367 (Colo. 1980) (A 62-hour delay was unnecessary).

**Counsel at initial appearance?**



**Yes.**

Colo. R. Crim. P. 44 (West 2019).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



**Limited.**

A person who remains detained seven days after bond is set may file a motion for review based upon new or not fully considered evidence. The court must hold a hearing within 14 days of the filing unless the judge decides that no additional evidence is presented in the written motion. Colo. Rev. Stat. Ann. § 16-4-107 (West 2014).

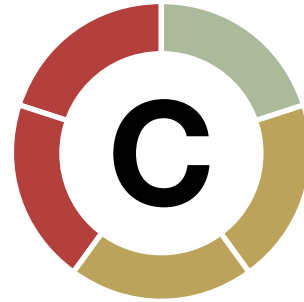


**Note**

Judges must “make certain” the person understands the advice of rights received at initial appearance. Colo. R. Crim. P. 5 (West 2019).



## Connecticut



**1 Yes**  
**2 Limited**  
**2 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur on or before the next business day. Conn. Gen. Stat. Ann. § 54-1g (West 2012). Friday arrestees must have an initial appearance by Monday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**Yes.**

Gonzalez v. Comm'r of Correction, 122 Conn. App. 705 (2010), aff'd, 308 Conn. 463 (2013).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Conn. Gen. Stat. Ann. § 51-296 (West 2011). Conn. Gen. Stat. Ann. § 51-296 (West 2011).

**Delay requires release?**



**No.**

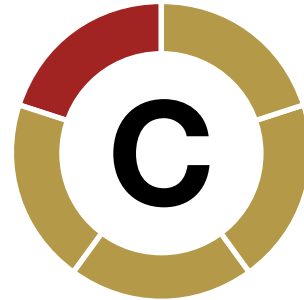
**Prompt review if detained?**



**Limited.**

The court must hold a review hearing for a detained person every 30 or 45 days, depending on offense charged. Conn. Super. Ct. R. Crim. P. § 38-18 (2022).

## Delaware



**0 Yes**  
**4 Limited**  
**1 No**

**Held within 24 hours?**



**Limited.**

Initial appearance must occur within 24 hours. For good cause, the initial appearance may be extended to 48 hours. 11 Del. Code Ann. § 1909 (West 2010).

**Counsel at initial appearance?**



**Limited.**

Superior Court and Common Pleas court rules require counsel at initial appearance. Del. Sup. Ct. Crim. R. 44 (West 2000). Del. Ct. Com. Pl. Crim. R. 44 (West 1995). However, initial appearances for those courts occur in Justice of Peace courts, the rules for which do not require appointment of counsel. Del. J. P. Ct. Crim. R. 5, 44.

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Del. Sup. Ct. Crim. R. 44 (West 2000).

**Delay requires release?**



**No.**

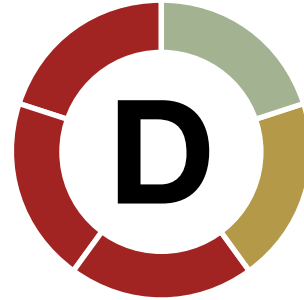
**Prompt review if detained?**



**Limited.**

Within 10 days of arrest, the court must conduct a de novo review for any person detained for more than 72 hours because they cannot post bond. Special R. Crim. P. for Pretrial Release, R. 5.3 (2022) (applies to all trial courts in Delaware).

## District of Columbia



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” D.C. Super. Ct. R. Crim. P. 5 (West 2017).

**Counsel at initial appearance?**



**Yes.**

D.C. Super. Ct. R. Crim. P. 5 (West 2017). D.C. Super. Ct. R. Crim. P. 44 (West 2016).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



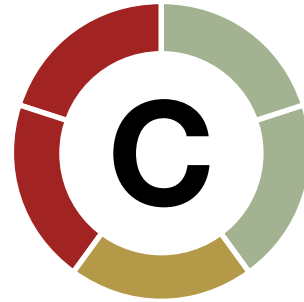
**No.**

**Prompt review if detained?**



**Limited.**

The court must, upon application, conduct a review for any person who remains detained for more than 24 hours because they cannot meet their conditions of release. D.C. Code Ann. § 23-1321 (West 2021).



**2 Yes**  
**1 Limited**  
**2 No**

**Held within 24 hours?**



**Yes.**

Fla. R. Crim. P. 3.130(a) (West 2018).

**Counsel at initial appearance?**



**Yes.**

Fla. R. Crim. P. 3.130 (West 2018). Fla. R. Crim. P. 3.111 (West 2010).

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Fla. R. Crim. P. 3.130 (West 2018). Fla. R. Crim. P. 3.111 (West 2010).

**Delay requires release?**



**No.**

**Prompt review if detained?**



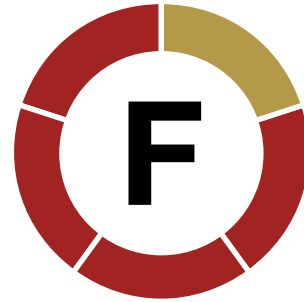
**No.**



## Note

If the advice of rights is provided on a pre-recorded video, the judge must confirm that each person viewed the video and understood their rights. Fla. R. Crim. P. 3.130 (West 2018).





**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours for warrantless arrests and 72 hours for arrests with warrants. Ga. Super. Ct. R. 26.1 (West 1997).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**Limited.**

Law requires appointment of counsel within three business days following arrest. Ga. Code Ann. § 17-12-23 (West 2011). Ga. R. Super. Ct. 29.3 (West 2022).

**Delay requires release?**



**No.**

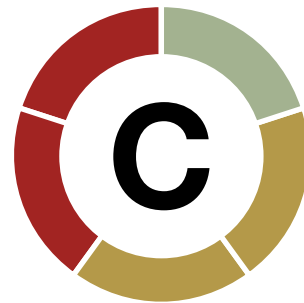
**Prompt review if detained?**



**No.**

 **Note**

Jails must provide a monthly list of all people detained pretrial, including whether they have an attorney, to the judge, district attorney, probation, and public defender. Ga. R. Super. Ct. 28 (West 2015).



**1 Yes**  
**2 Limited**  
**2 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest. After that, the prosecution must show a bona fide emergency or extraordinary circumstances. 8 Guam Code Ann. § 45.10 (West 2020).

**Counsel at initial appearance?**



**Yes.**

8 Guam Code Ann. § 1.11 (West 2020).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. 8 Guam Code Ann. § 1.11 (West 2020).

**Delay requires release?**



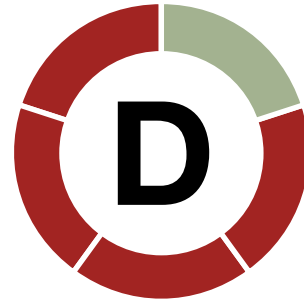
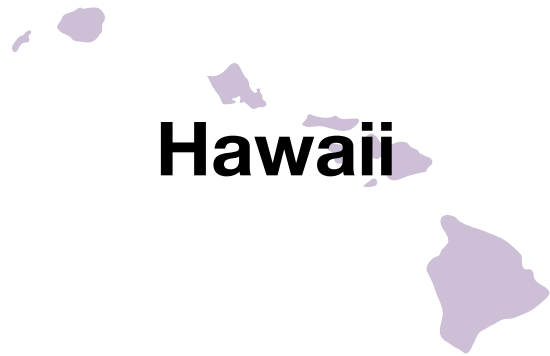
**No.**

**Prompt review if detained?**



**Limited.**

The court must, upon application, conduct a review for any person who remains detained for more than 24 hours because they cannot meet their conditions of release. 8 Guam Code Ann. § 40.50 (West 2020).



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule and statute only require an initial appearance “without unnecessary delay.” Haw. Rev. Stat. Ann. § 803-9 (West 2015). Haw. R. Penal. P. 5 (West 2014).

**Counsel at initial appearance?**



**Yes.**

Haw. Rev. Stat. § 804-7.5 (West 2019).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

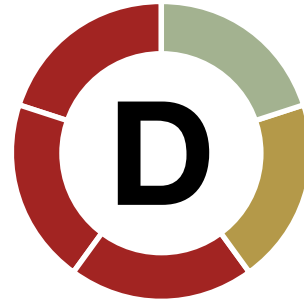
**Prompt review if detained?**



**No.**

 **Note**

Every three months, the jail must review the status of people detained to reassess whether they should remain in custody and must send its recommendations to the court, the district attorney, and the defense counsel. Haw. Rev. Stat. Ann. § 353-6.2 (West 2019).



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 24 hours of arrest, excluding weekends and holidays. Idaho Crim. R. 5 (West 2019). Friday arrestees must have an initial appearance by Monday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**Yes.**

Idaho Crim. R. 44 (West 2017). Idaho Code Ann. § 19-852 (West 2013).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Idaho Crim. R. 44 (West 2017).

**Delay requires release?**

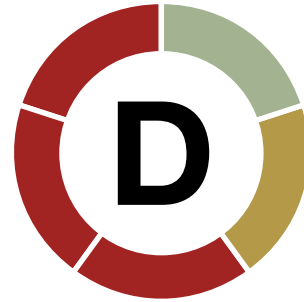


**No.**

**Prompt review if detained?**



**No.**



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires that an initial appearance occur “without unnecessary delay.” 725 Ill. Comp. Stat. Ann. 5/109-1 (West 2018).

**Counsel at initial appearance?**



**Yes.**

725 Ill. Comp. Stat. Ann. 5/109-1 (West 2018).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



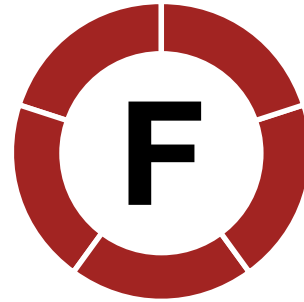
**No.**

**Prompt review if detained?**



**Limited.**

The court must hold a review hearing at the next available court date or seven calendar days from the date bail was set, whichever is earlier, for any person who remains detained for a petty offense, misdemeanor, or some lower felonies. 725 Ill. Comp. Stat. Ann. 5/110-6 (West 2019); 725 Ill. Comp. Stat. Ann. 5/102-7.2 (West 2018).



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires that an initial appearance occur “promptly.” Ind. Code Ann. § 35-33-7-1 (West 1991). Ind. Code Ann. § 35-33-7-4 (West 1981). See *May v. State*, 502 N.E.2d 96 (Ind. 1986) (eight days was not undue delay).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**

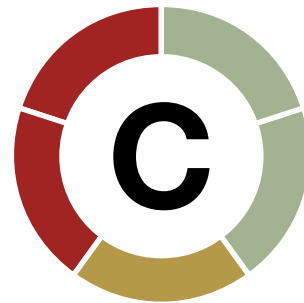
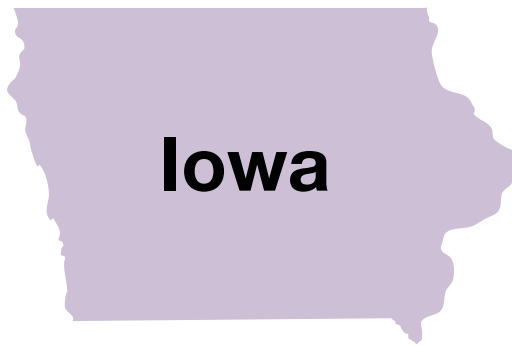


**No.**

**Prompt review if detained?**



**No.**



**2 Yes**  
**1 Limited**  
**2 No**

**Held within 24 hours?**



**Yes.**

Initial appearance must occur “without unnecessary delay.” Unnecessary delay is “any unexcused delay longer than 24 hours, and consists of a shorter period whenever a magistrate is accessible and available.” Iowa R. Crim. P. 2.1, 2.2 (West 2002).

**Counsel at initial appearance?**



**Yes.**

Iowa R. Crim. P. 2.2 (West 2002); Iowa R. Crim. P. 2.61 (West 2001); Iowa R. Crim. P. 2.28 (West 2005).

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Iowa R. Crim. P. 2.2 (West 2002); Iowa R. Crim. P. 2.61 (West 2001); Iowa R. Crim. P. 2.28 (West 2005).

**Delay requires release?**



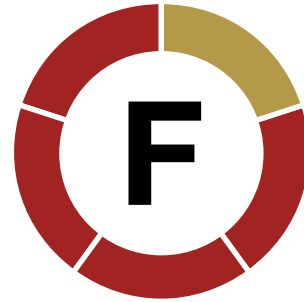
**No.**

**Prompt review if detained?**



**No.**





**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires that an initial appearance occur “without unnecessary delay.” Kan. Stat. Ann. § 22-2901 (West 2011). See *Peterson v. State*, 422 P.2d 567 (Kan. 1967) (delay from Saturday to Tuesday was not unnecessary).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



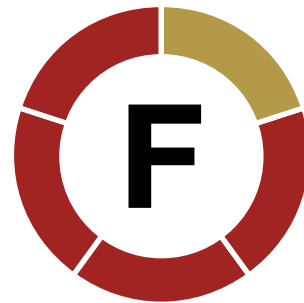
**No.**

**Prompt review if detained?**



**Limited.**

The court must, upon application, conduct a review without unnecessary delay for a detained person who cannot meet their conditions of release. Kan Stat. Ann. § 22-2802 (West 2018).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires that an initial appearance occur “without unnecessary delay.” Ky. R. Crim. P. 3.02 (West 1998).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



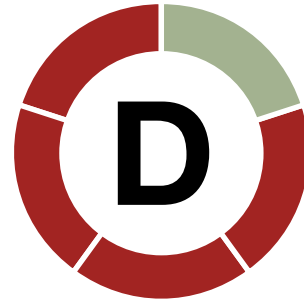
**Limited.**

The court must review conditions for a person who remains detained for 24 hours because they cannot meet conditions of release. Ky. R. Crim. P. 4.38 (West 2016).



## Note

Pretrial release officers must inform the court of people who remain detained 24 hours after the setting of conditions of release. Ky. R. Crim. P. 4.38 (West 2016).



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 72 hours of arrest, excluding weekends and holidays. La. Code Crim. Proc. Ann. art. 230.1 (West 2018). Friday arrestees must have an initial appearance by Wednesday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



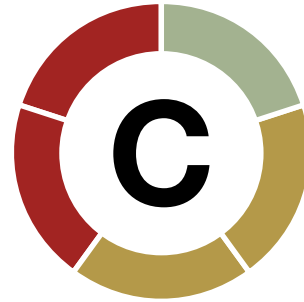
**Yes.**

If the initial appearance does not occur within 72 hours after arrest, excluding weekends and holidays, the arrested person must be immediately released from custody. La. Code Crim. Proc. Ann. art. 230.1(C) (West 2018).

**Prompt review if detained?**



**No.**



**1 Yes**  
**2 Limited**  
**2 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest, excluding weekends and holidays. Me. R. U. Crim. P. 5 (West 2015). Friday arrestees must have an initial appearance by Tuesday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**Yes.**

Me. R. U. Crim. P. 5 (West 2015).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Counsel may be appointed for the limited purpose of initial appearance. Me. R. U. Crim. P. 5 (West 2015).

**Delay requires release?**



**Limited.**

If initial appearance is not timely held, the arrested person must either be released or must immediately be brought before the court for initial appearance. Me. R. U. Crim. P. 5 (West 2015).

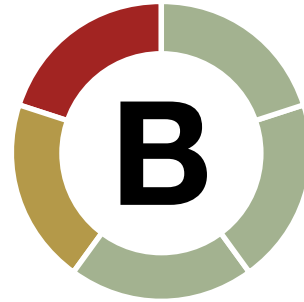
**Prompt review if detained?**



**No.**

**Note**

Jails must notify the district attorney if a person has not received an initial appearance within 36 hours after arrest. Me. R. U. Crim. P. 5 (West 2015).



**3 Yes**  
**1 Limited**  
**1 No**

**Held within 24 hours?**



**Yes.**

Initial appearance must occur within 24 hours of arrest. If specified by the arrest warrant, the time period may be extended to the next business day. Md. Rule 4-212 (West 2019).

**Counsel at initial appearance?**



**Yes.**

Md. Rule 4-213.1 (West 2018).

**Defense counsel within 72 hours?**



**Limited.**

People detained following initial appearance are entitled to a bail review hearing with counsel's assistance at the next court session. It is unclear whether counsel appointed for the bail review hearing defends the case. Md. Rule 4-216.2 (West 2017).

**Delay requires release?**



**No.**

**Prompt review if detained?**



**Yes.**

At the next court session, the court must conduct a de novo review hearing for any person detained after initial appearance. Md. Rule 4-216.2 (West 2017).

## Massachusetts



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur on or before the next business day. Mass. R. Crim. P. 7 (West 2012). Friday arrestees must have an initial appearance by Monday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**Yes.**

Mass. R. Crim. P. 7 (West 2012).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Mass. R. Crim. P. 7 (West 2012).

**Delay requires release?**



**No.**

**Prompt review if detained?**

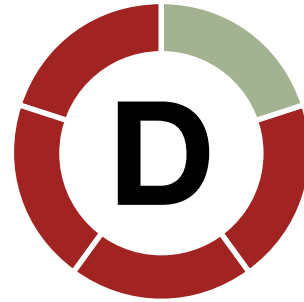


**No.**



### Note

An attorney must file an appearance within 48 hours after receipt of notification of the assignment. Mass. Sup. Jud. Ct. Rule 3:10 (West 2016).



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no limit. The rule and statute only require an initial appearance “without unnecessary delay.” Mich. R. Crim. P. 6.104 (West 2022). Mich. Comp. Laws Ann. § 764.13 (West 2010).

**Counsel at initial appearance?**



**Yes.**

Mich. R. Crim. P. 6.104 (West 2022).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

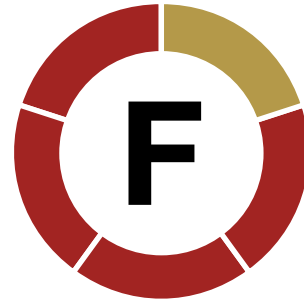
**Prompt review if detained?**



**No.**



## Minnesota



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur “without unnecessary delay, and not more than 36 hours after the arrest, exclusive of the day of arrest, Sundays, and legal holidays, or as soon as a judge is available.” Minn. R. Crim. P. 4.02 (West 2016).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**Limited.**

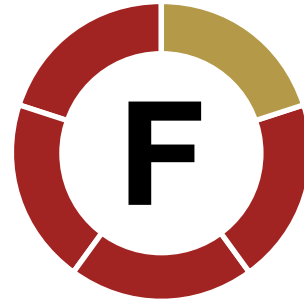
A person charged with a misdemeanor who does not receive an initial appearance within 36 hours must be released. Minn. R. Crim. P. 4.02 (West 2016).

**Prompt review if detained?**



**No.**

## Mississippi



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest. Miss. R. Crim. P. 5.1 (West 2017).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**Limited.**

If initial appearance does not occur within 48 hours after arrest, the person must be released on an appearance bond based on the bail schedule. Miss. R. Crim. P. 5.1, 8.1 (West 2017).

**Prompt review if detained?**

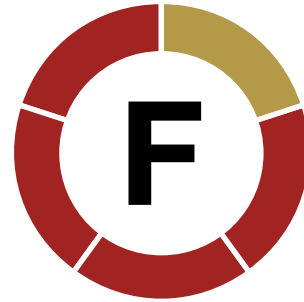


**No.**



### Note

Before the start of each term of court, judges must review conditions of release for every person eligible for bail who has been detained for 90 days or longer. Miss. R. Crim. P. 8.5 (West 2017).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest, excluding weekends and holidays. Mo. Sup. Ct. R. 21.09, 22.07 (West 2020). Friday arrestees must have an initial appearance by Tuesday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



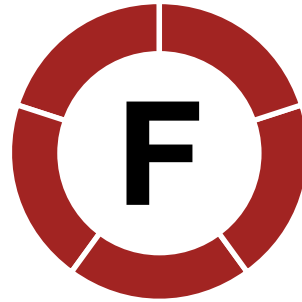
**No.**

**Prompt review if detained?**



**Limited.**

Within seven days after the initial appearance, excluding weekends and holidays, a court must conduct a bail review hearing for any person detained. Mo. Sup. Ct. R. 33.05 (West 2019).



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires an initial appearance “without unnecessary delay.” Mont. Code Ann. § 46-7-101 (West 2009). See *State v. Gatlin*, 219 P.3d 874 (Mont. 2009) (a week was not unnecessary delay).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



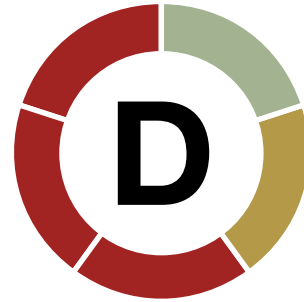
**No.**

**Prompt review if detained?**



**No.**

## Nebraska



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. Neb. Rev. Stat. § 29-410 (West 2021).

**Counsel at initial appearance?**



**Yes.**

Neb. Rev. Stat. § 29-3902 (West 1972).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

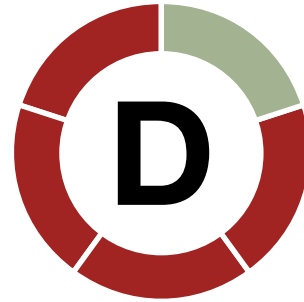
**Prompt review if detained?**



**Limited.**

The court must, upon application, hold a counseled hearing on the next court day to review conditions for any person detained 24 hours after initial appearance. Neb. Rev. Stat. § 29-901.03 (West 1975).

## Nevada



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Absent an explanation of delay from the prosecution, initial appearance must occur within 72 hours, excluding weekends and holidays. Nev. Rev. Stat. Ann. § 171.178 (West 2001).

**Counsel at initial appearance?**



**Yes.**

Nev. Rev. Stat. Ann. § 178.397 (West 2019).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

However, if initial appearance does not timely occur, a judge must evaluate the delay and release the defendant if the delay was unreasonable. Nev. Rev. Stat. Ann. § 171.178 (West 2021).

**Prompt review if detained?**



**No.**



### Note

Effective July 2022, a judge must hold a pretrial detention hearing within 48 hours of arrest. Nev. Rev. Stat. Ann. § 178.4849 (West 2022).

# New Hampshire



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 24 hours of arrest, or 36 hours if the arrest occurs between 8:00 am and 1:00 pm and defense attorneys are unavailable. These time limits exclude weekends and holidays. N.H. Rev. Stat. Ann. § 594:20-a (West 2019).

**Counsel at initial appearance?**



**Yes.**

N.H. Rev. Stat. Ann. § 604-A:3 (West 1965).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. N.H. Rev. Stat. Ann. § 604-A:3 (West 1965).

**Delay requires release?**



**No.**

**Prompt review if detained?**



**No.**

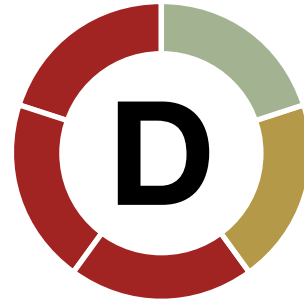


**Note**

If the arrest warrant does not set a bail amount or the arrest occurs without a warrant, the arrested person is entitled to have a bail commissioner set bail. N.H. Rev. Stat. Ann. § 597:18 (West 2022). The bail set by the commissioner is reviewed by the judge at initial appearance.



## New Jersey



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest. N.J. Ct. R. 3:4-2 (West 2009).

**Counsel at initial appearance?**



**Yes.**

N.J. Ct. R. 3:4-2 (b) (West 2004).

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. N.J. Ct. R. 3:4-2(e); 3:8-3 (West 2009).

**Delay requires release?**



**No.**

**Prompt review if detained?**



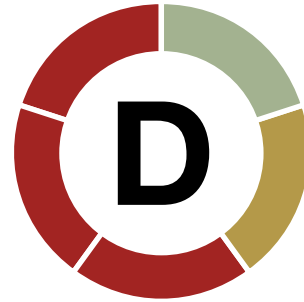
**No.**



### Note

The court rules provide for discovery at the initial appearance. N.J. Ct. R. 3:4-2 (West 2009).

## New Mexico



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires an initial appearance “without unnecessary delay.” N.M. Stat. Ann. § 31-1-5 (West 1973).

**Counsel at initial appearance?**



**Yes.**

N.M. Stat. Ann. § 31-15-10 (West 2001).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



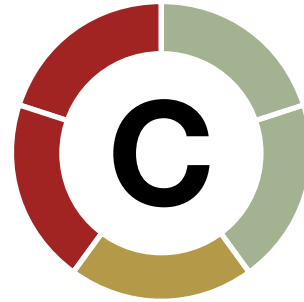
**Limited.**

The court must hold a review hearing within five days for any person who remains detained 24 hours after initial appearance. The court must issue its decision within two days of the hearing. N. M. R. Crim. P. Dist. Ct. 5-401 (West 2020).



**Note**

Law enforcement must notify the district attorney of an arrest within 18 hours. N.M. Stat. Ann. § 31-1-5 (West 1973).



**2 Yes**  
**1 Limited**  
**2 No**

**Held within 24 hours?**



**Yes.**

The statute only requires an initial appearance “without unnecessary delay.” N.Y. Crim. Proc. Law § 120.90, § 140.20 (West 2017). However, the courts have ruled that a delay of more than 24 hours is presumptively unnecessary. *People ex rel. Maxian on Behalf of Roundtree v. Brown*, 570 N.E.2d 223 (N.Y. 1991).

**Counsel at initial appearance?**



**Yes.**

N.Y. Crim. Proc. Law § 170.10(3); § 180.10(3); *Hurrell-Harring v. State*, 15 N.Y.3d 8 (N.Y. 2010).

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. N.Y. Crim. Proc. Law § 170.10(3); § 180.10(3) (West 2017).

**Delay requires release?**



**No.**

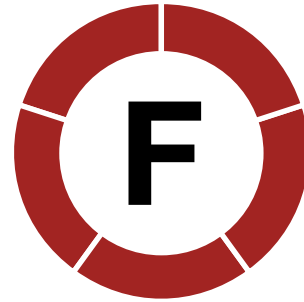
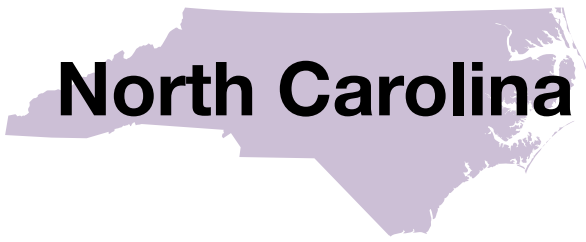
**Prompt review if detained?**



**No.**

**Note**

At initial appearance, the court must take “affirmative action” as necessary to help an arrested person exercise their rights. N.Y. Crim. Proc. Law § 170.10 (West 2016).



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 72 hours after arrest or at the first regular session of the district court, whichever occurs first. N.C. Gen. Stat. § 15A-601 (West 2021).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



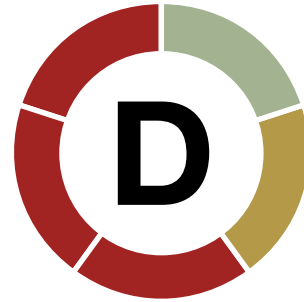
**No.**

**Prompt review if detained?**



**No.**

## North Dakota



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” N.D. R. Crim. P. 5 (West 2021). See *State v. Barlow*, 193 N.W.2d 455 (N.D. 1971) (three-day delay is not unreasonable).

**Counsel at initial appearance?**



**Yes.**

N.D. R. Crim. P. 44 (West 2021).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



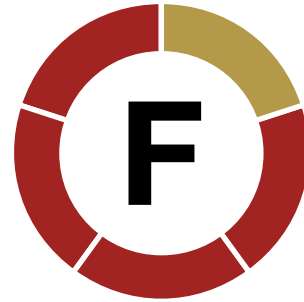
**No.**

**Prompt review if detained?**



**Limited.**

The court must, upon request, review conditions of release for any person detained 48 hours after initial appearance. N.D. R. Crim. P. 46 (West 2021).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Ohio Crim. R. 4(E) (West 2019).

**Counsel at initial appearance?**



**Limited.**

Only people charged with an offense punishable by more than six months in jail are entitled to counsel at initial appearance. Ohio Crim. R. 44 (West 2020).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



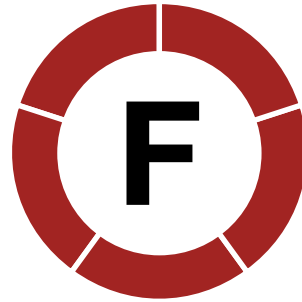
**No.**



## Note

Upon arrest, bond may be set by a bail schedule. The court must hold a bail review hearing within two court days of the arrest for any person who remains detained. This hearing can be combined with the initial appearance. Ohio Crim. R. 46 (West 2020).

## Oklahoma



0 Yes

0 Limited

5 No

Held within 24 hours?



No.

There is no time limit. The statute only requires an initial appearance “without unnecessary delay.” 22 Okla. Stat. Ann. § 181 (West 2019).

Counsel at initial appearance?



No.

Defense counsel within 72 hours?



No.

Delay requires release?



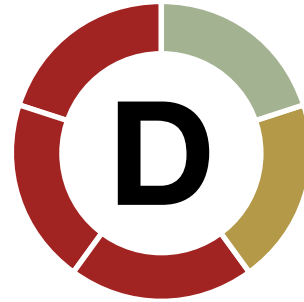
No.

Prompt review if detained?



No.





**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 36 hours of arrest, excluding weekends and holidays. Or. Rev. Stat. Ann. § 135.010 (West 1983). Friday arrestees must have an initial appearance by Tuesday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**Yes.**

Or. Rev. Stat. Ann. § 135.040 (West 2001).

**Defense counsel within 72 hours?**



**Limited.**

Some initial appearances may occur after 72 hours. Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. Or. Rev. Stat. Ann. § 135.040, 135.045 (West 2001).

**Delay requires release?**

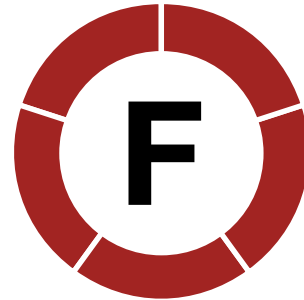


**No.**

**Prompt review if detained?**



**No.**



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Pa. R. Crim. P. 516 (West 2018).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



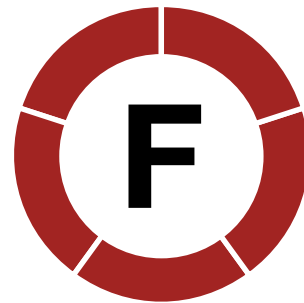
**No.**

**Prompt review if detained?**



**No.**

## Puerto Rico



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

There is no time limit. 34A P.R. Laws Ap. § II, Rule 22 (West 2000). The courts have held that delay of more than 36 hours is presumptively unjustified. *Pueblo v. Aponte*, 167 P.R. Dec. 578 (2006), overruled on other grounds by *Pueblo v. Diaz De Leon*, 176 P.R. Dec. 913 (2009).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



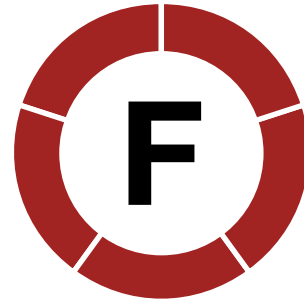
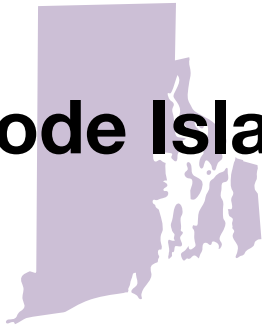
**No.**

**Prompt review if detained?**



**No.**

## Rhode Island



0 Yes  
0 Limited  
5 No

**Held within 24 hours?**



**No.**

There is no time limit. The rules only require an initial appearance “without unnecessary delay.” However, if the prosecution requests pretrial detention, the initial appearance must occur within 48 hours of arrest, excluding weekends and holidays. R.I. Super. R. Crim. P. 5 (West 2017). R.I. Dist. R. Crim. P. 5 (West 2014).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



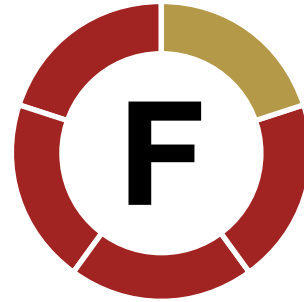
**No.**

**Prompt review if detained?**



**No.**

## South Carolina



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



### Limited.

Initial appearance must occur within 24 hours of arrest, unless the person is facing charges punishable by life imprisonment or the death penalty, or the person is charged with certain violent crimes and is already on bond for such a crime. S.C. Code Ann. § 17-15-55(C), § 22-5-510(B) (West 2015).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



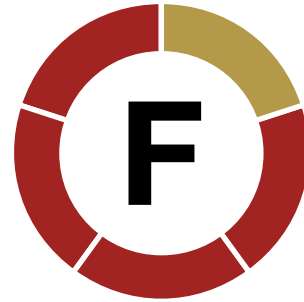
**No.**



### Note

A request for appointment of counsel must be made within 15 days of the initial appearance. S.C. Crim. R. 106 (2009).

## South Dakota



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The statute only requires an initial appearance “without unnecessary delay.” S.D. Codified Laws § 23A-4-1 (West 2018).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

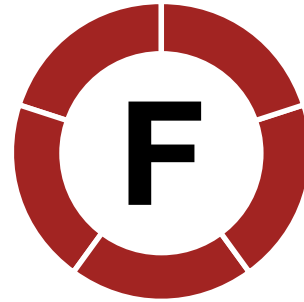
**Prompt review if detained?**



**Limited.**

A person who remains detained 24 hours after initial appearance may apply to have conditions reviewed. S.D. Codified Laws. § 23A-43-8 (1983).

## Tennessee



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Tenn. R. Crim. P. 5 (West 2018). See *State v. Carter*, 16 S.W.3d 762 (Tenn. 2000) (72-hour delay was unnecessary).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**

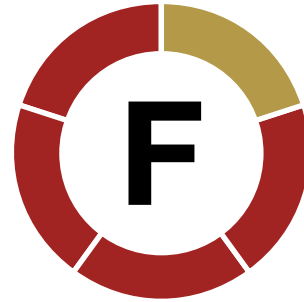


**No.**



**Note**

A U.S. District Court recently held that an arrested person has a right to assistance of counsel at initial appearance at which conditions of release are set. *Torres v. Collins*, 2020 U.S. Dist. LEXIS 84496 (E.D. Tenn., Apr. 14, 2020).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur within 48 hours of arrest. Tex. Code Crim. Proc. Ann. art. 15.17 (West 2021).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**Limited.**

The deadline for appointment of counsel ranges from 1-3 business days depending upon the county's population. Tex. Code Crim. Proc. Ann. art. 1.051 (West 2015).

**Delay requires release?**



**No.**

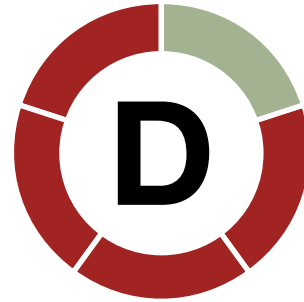
**Prompt review if detained?**



**No.**



## U.S. Virgin Islands



**1 Yes**  
**0 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” V.I. R. Crim. P. 5 (West 2011).

**Counsel at initial appearance?**



**Yes.**

V.I. R. Crim. P. 44 (West 2002). 5 V.I. Code Ann. § 3503 (West 2016).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**

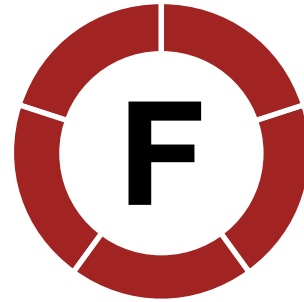
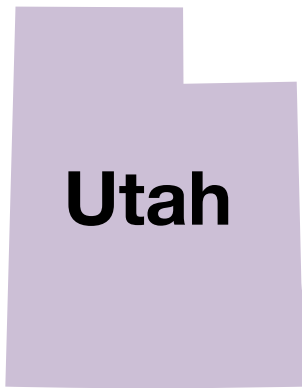


**No.**

**Prompt review if detained?**



**No.**



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

If arrested on a warrant, initial appearance must occur within 48 hours of arrest, excluding weekends and holidays. Utah R. Crim. P. 9A (West 2020). For warrantless arrests, initial appearance must occur “without unnecessary delay.” Utah Code Ann. § 77-7-23 (West 2018).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



**No.**



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Vt. R. Crim. P. 3 (West 2019). See *State v. Guzman*, 2008, 965 A.2d 544 (Vt. 2008) (delay from Saturday to Monday was not unreasonable).

**Counsel at initial appearance?**



**Yes.**

Vt. R. Crim. P. 5, 44 (West 2017).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



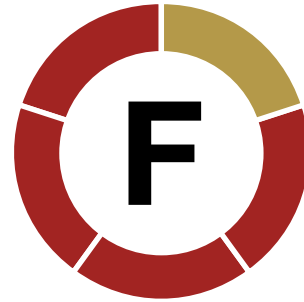
**Limited.**

The court must, upon request, hold a hearing within 48 hours to review conditions of release for a detained person who asserts a material change in circumstances. 13 Vt. Stat. Ann. § 7554 (West 2017).



**Note**

At initial appearance, full discovery is available upon request. Vt. R. Crim. P. 16 (West 2016).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**Limited.**

The statute requires an initial appearance “without unnecessary delay” for arrests with warrants and “forthwith” for warrantless arrests. Va. Code Ann. § 19.2-80), § 19.2-82 (West 2009). However, courts favor initial appearance within 24 hours. See *Holt v. Richmond*, 204 Va. 364 (1963) (nine-hour delay was unnecessary).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**

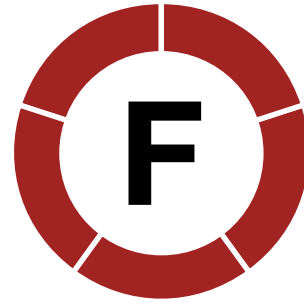


**No.**

**Prompt review if detained?**



**No.**



**0 Yes**  
**0 Limited**  
**5 No**

**Held within 24 hours?**



**No.**

Initial appearance must occur by the next business day. Wash. Crim. R. Ct. Ltd. Juris. 3.2.1 (West 2021), Wash. Sup. Ct. Crim. R. 3.2.1 (West 2021). Friday arrestees must have an initial appearance by Monday. On long weekends or holidays, the time may be extended further.

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**

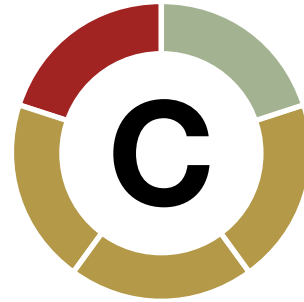


**No.**

**Prompt review if detained?**



**No.**



**1 Yes**  
**3 Limited**  
**1 No**

**Held within 24 hours?**



**Limited.**

There is no time limit. The rule and statute only require an initial appearance “without unnecessary delay.” W. Va. Code Ann. § 62-1-5 (West 1997). W. Va. R. Crim. P. 5 (West 1996). However, courts favor initial appearance within 24 hours. See, e.g., State v. DeWeese, 582 S.E.2d 786 (W. Va. 2003) (a 15-and-half-hour delay was unnecessary).

**Counsel at initial appearance?**



**Yes.**

W. Va. R. Crim. P. 44 (West 1995.)

**Defense counsel within 72 hours?**



**Limited.**

Law is unclear if initial appearance attorney also defends the case or if another attorney is appointed within 72 hours of arrest. W. Va. R. Crim. P. 44 (West 1995).

**Delay requires release?**



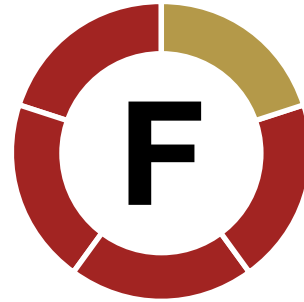
**No.**

**Prompt review if detained?**



**Limited.**

The court must hold a hearing within five days of setting the initial bail for any detained person charged with a misdemeanor who is unable to post bail. W. Va. Code § 62-1C-1a (West 2021).



**0 Yes**  
**1 Limited**  
**4 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “within a reasonable time.” Wis. Stat. Ann. § 970.01 (West 2021). Compare *Reimers v. State*, 143 N.W.2d 525 (Wis. 1966) (delay from Sunday to Tuesday was presumptively unreasonable) with *State v. Wallace*, 207 N.W.2d 855 (Wis. 1973) (delay from Saturday to Monday was not excessive).

**Counsel at initial appearance?**



**No.**

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

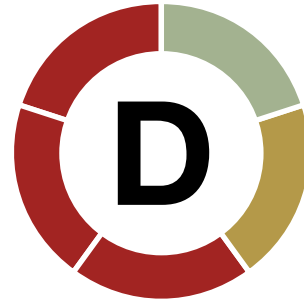
**Prompt review if detained?**



**Limited.**

The court must, upon application, review conditions for any person who remains detained 72 hours after the initial appearance. Wis. Stat. Ann. § 969.08 (West 2021).

## Wyoming



**1 Yes**  
**1 Limited**  
**3 No**

**Held within 24 hours?**



**No.**

There is no time limit. The rule only requires an initial appearance “without unnecessary delay.” Wyo. R. Crim. P. 5 (West 2018). See Raigosa v. State, 562 P.2d 1009 (Wyo. 1977) (delay of 42 hours is “slightly troublesome”).

**Counsel at initial appearance?**



**Yes.**

Wyo. R. Crim. P. 44 (West 2006).

**Defense counsel within 72 hours?**



**No.**

**Delay requires release?**



**No.**

**Prompt review if detained?**



**Limited.**

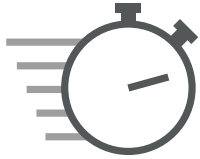
If bail is set without a hearing, the court must hold a review hearing within 72 hours for any detained person. Wyo. R. Crim. P. 46.1 (West 2019).



## RESULTS SUMMARY BY CATEGORY

Data from May 2022  
Each square represents one jurisdiction

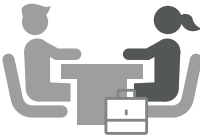
### Held within 24 hours?



### Counsel at initial appearance?



### Defense counsel within 72 hours?



### Delay requires release?



### Prompt review if detained?



#### Note

The *Initial Appearance Report Cards* assess legal requirements. They do not reflect local practices, which may vary significantly.

# Conclusion

The Constitution promises that every arrested person will have prompt access to the courts and an attorney. Yet, jurisdictions across the nation allow presumptively innocent people to languish in jail, alone and undefended.

These injustices must not stand. To solve the initial appearance crisis, our laws must require initial appearance **within 24 hours of arrest** and **guarantee a person's release** from jail if their initial appearance is not promptly held.

Our laws must also guarantee that every person has the **assistance of counsel** at initial appearance. And courts must **appoint the defense lawyer** who will handle all future proceedings within 72 hours of arrest.

Finally, if a person is detained after initial appearance, there must be an automatic hearing within 72 hours to **reconsider pretrial release**. At that hearing, the defendant must be represented by counsel.

Stakeholders across the criminal legal system have the power to transform the post-arrest period. Lawyers, lawmakers, judges, and advocates must take a stand for our Constitution's principles and end the initial appearance crisis.

## The Deason Center's *Initial Appearance Campaign* supports state and local reform.

Our experts are available to:

- Testify about the initial appearance crisis and its solutions.
- Consult with advocacy groups about strategies to improve initial appearance practices.
- Review draft legislation and proposed changes to the rules of criminal practice.

Contact us at [DeasonJusticeCenter@smu.edu](mailto:DeasonJusticeCenter@smu.edu).

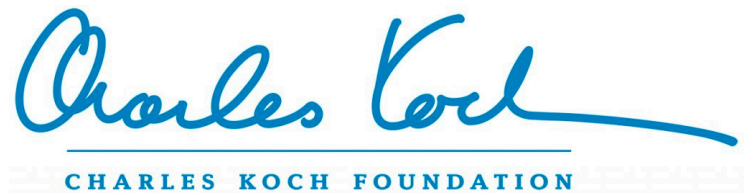
The screenshot shows the Deason Center website. At the top, it says "Deason Center" with the tagline "Stats. Stories. Change." and the Deason Center logo. Below that, there is a navigation bar with "Issues / Right to Counsel / Initial Appearance Campaign". The main content area features a large purple banner with the text "Initial Appearance Campaign" and a "Learn more" button. Below the banner, there is a section titled "Overview" with a horizontal line. The text below the line reads: "Most Americans believe that, after an arrest, they will quickly appear before a judge, learn about the charges against them, and have an attorney assigned to defend them. Unfortunately, this is not always true. Instead, an arrested person can wait in jail for days, weeks, or even months before seeing a

## ENDNOTES

1. A judicial officer is a person with the power to make a decision about an application of the law. Judicial officers include not only judges, but also magistrates, commissioners, and justices of the peace. In many places, the judicial officer who presides over initial appearances is not a judge, but another judicial officer. Too often, these officers are not lawyers. See e.g. The District Court Commissioner, Maryland Department of Legislative Services (April 2013) (detailing the duties of Maryland commissioners and reviewing other places where judicial officers have similar duties). See *also* Greene, S. & Renberg, K., Judging without a J.D., 122 *Columbia L. Rev.* 1287 (2022).
2. Mrozinski, M. & Buetow, C., *Access to Counsel at First Appearance: A Key Component of Pretrial Justice*, NLADA (2020).
3. Johnson, K., *AZ Man Spent 17 Days in Jail for Crime He Didn't Commit. He Blames American Airlines*, Fort Worth Star-Telegram (Jun. 7, 2022), and *Michael Lowe v. American Airlines, Inc.* 352-333908-22, Tarrant County District Court, Texas.
4. *The Initial Appearance Report Cards* do not document variations in local practice. For example, if state law only requires initial appearance within 48 hours, but County A complies with best practices and provides initial appearances within 24 hours, the Report Card will evaluate the state law (48 hours), rather than County A's local practice.
5. Representation at initial appearance can be handled by a duty lawyer or a "lawyer of the day" who is assigned only to represent arrested people at initial appearance.

## ACKNOWLEDGMENTS

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**Research Support:** Claire Buetow and Johannah Cousins

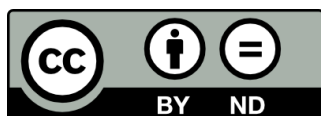
**Data Visualization and Layout Design:** Randy Krum and Jeremy Yingling, InfoNewt.com

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# Learn more about the Deason Center's Initial Appearance Campaign and request expert support for local reform:

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(214) 768-2837



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## About the Deason Center

The Deason Criminal Justice Reform Center takes a Stats and Stories approach to criminal justice reform. The Stats: we collect, analyze, and assess qualitative and quantitative data about our criminal justice system. The Stories: we uncover, recount, and amplify the experiences of people who live and work in that system. Together, these Stats and Stories make a compelling case for compassionate criminal justice reform.

The Sixth Amendment right to counsel is at the heart of the Center's expertise. We study public defense and appointed counsel systems, and advocate for best practices in the delivery of this fundamental right. The Center also studies early-stage criminal process, from a person's first post-arrest court appearance through the prosecutorial decisions associated with screening and charging. Because these early stages of the criminal process may determine how a case ends, we conduct research and make recommendations about providing early access to counsel.